IN THE HIGH COURT OF MADHYA PRADESH AT INDORE

BEFORE

HON'BLE SHRI JUSTICE PREM NARAYAN SINGH

ON THE 2nd OF FEBRUARY, 2024

MISC. CRIMINAL CASE No. 4371 of 2024

BETWEEN:-

NANDRAM S/O KESHARSINGH DAWAR,
AGED ABOUT 20 YEARS,
OCCUPATION: LABOUR
R/O. PREMNAGAR, TIRLA,
TEHSIL AND DISTRICT DHAR
(MADHYA PRADESH)

.....APPLICANT

(SHRI CHANDRA BHUSAN PANDEY - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH
STATION HOUSE OFFICER
THROUGH P.S. AMJHERA
(MADHYA PRADESH)

.....RESPONDENTS

(SHRI SAMEER VERMA- PANEL LAWYER)

This application coming on for admission this day, the court passed the following:

ORDER

Heard and perused the record.

This first bail application has been filed on behalf of the applicant under Section 439 of the Code of Criminal Procedure for grant of bail relating to Crime/FIR No.610/2023 dated (not mentioned), registered at Police Station-Amjhera, District-Dhar (M.P.) for the offence under Sections 366, 376(2)(N) & 344 (Part-II) of IPC, 1860. The applicant is in custody since 18.10.2023.

2. As per prosecution story, it is alleged that the applicant has committed

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rape upon the prosecutrix.

3. Learned counsel for the applicant submits that the applicant is innocent and has falsely been implicated in this case. The incident took place on 16.08.2023 and the FIR was lodged on 18.10.2023. The prosecutrix is a 33 years old married lady having two children. Both the applicant and the prosecutrix resided together for two months and during the prosecutrix did not raise any hue or cry. The applicant is in jail from 18.10.2023 i.e. more than three months. The final conclusion of the trial is likely to take sufficient long time, hence, it is prayed that the applicant is entitled to be released on bail.

4. Learned counsel for the respondent/State opposed the prayer and prayed for its rejection.

5. After hearing learned counsel for the parties and looking to the facts and circumstances of the case and custody period of the applicant, I am of the view that it is a case, in which applicant may be released on bail. Consequently, without commenting on the merits of the case, bail application under Section 439 of the Code of Criminal Procedure for grant of bail filed on behalf of applicant, stands **allowed.**

6. It is directed that applicant be released on bail on his furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty thousand only)** with one solvent surety in the like amount to the satisfaction of the trial Court, for his regular appearance before the trial Court during trial with a condition that he shall remain present before the concerned Court on all the dates fixed by it during trial. He shall abide by all the conditions enumerated under Section 437(3) of Cr.P.C.

7. This order shall be effective till the end of the trial. However, in case of

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bail jump and breach of any of the conditions of bail, it shall become ineffective.

Certified copy as per rules.

(PREM NARAYAN SINGH)
JUDGE

sumathi

THE HIGH COURT OF MADHYA PRADESH
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